



General Assembly

January Session, 2001

***Raised Bill No. 5121***

LCO No. 982

Referred to Committee on Government Administration and Elections

Introduced by:  
(GAE)

***AN ACT CONCERNING THE PROCEDURE FOR FILLING VACANCIES  
IN THE OFFICE OF UNITED STATES SENATOR.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 9-212 of the general statutes is repealed and the  
2 following is substituted in lieu thereof:

3 In case of a vacancy in the office of senator in Congress or  
4 representative in Congress from any district, the Governor, except as  
5 otherwise provided by law, shall issue writs of election directed to the  
6 town clerks or assistant town clerks, in such district, ordering an  
7 election to be held on a day named, other than a Saturday or Sunday,  
8 to fill such vacancy, and shall cause them to be conveyed to a state  
9 marshal, who shall forthwith transmit an attested copy thereof to such  
10 clerks or assistant clerks. Such clerks or assistant clerks, on receiving  
11 such writs, shall warn elections to be held on the day appointed  
12 therein in the same manner as state elections are warned, which  
13 elections shall be organized and conducted as are state elections, and  
14 the vote shall be declared, certified, directed, deposited, returned and  
15 transmitted in the same manner as at a state election.

16       Sec. 2. Section 9-450 of the general statutes is repealed and the  
17       following is substituted in lieu thereof:

18       Nominations by major parties for any state, district or municipal  
19       office to be filled under the provisions of any law relating to elections  
20       to fill vacancies, unless otherwise provided therein, shall be made in  
21       accordance with the provisions of sections 9-382 to 9-450, inclusive.

22       (1) In the case of nominations for representatives in Congress and  
23       judges of probate in probate districts composed of two or more towns,  
24       provided for in sections 9-212 and 9-218, if the writs of election are  
25       issued by the Governor on or before the twenty-first day of May in an  
26       even-numbered year and the election is to be held on the day of the  
27       state election in such year, the state central committee or other  
28       authority of each party shall, not later than the twenty-fourth day of  
29       May in such year, publish notice of the date for the primary for the  
30       election of delegates to the state or district convention to designate the  
31       party-endorsed candidate for the office to be filled, and the times  
32       specified in sections 9-383, 9-391, 9-400, 9-405 and 9-423 shall be  
33       applicable. The primary so designated shall be held not earlier than the  
34       fifty-sixth day after publication of such notice and not later than the  
35       fifth day before the convention. If such writs of election are issued after  
36       the twenty-first day of May in such year, or if the election is to be held  
37       on any day other than the day of the state election, the day scheduled  
38       for the election shall be not earlier than the ninety-first day following  
39       the day on which such writs of election are issued. The state central  
40       committee or other authority of each party shall, not later than the  
41       eighty-fourth day preceding the day of the election, publish notice of  
42       the day for the primary for the election of delegates to the state or  
43       district convention to designate the party-endorsed candidate for the  
44       office to be filled, which day shall be not earlier than the twenty-eighth  
45       day following such publication and not later than the fifty-sixth day  
46       preceding the day of the election. The party-endorsed candidates for  
47       election as delegates to such convention shall be certified to the town  
48       clerks not later than the twenty-first day preceding the day of such

49 primary. Contesting slates for election as such delegates shall be filed  
50 not later than four o'clock p.m. on the seventh day preceding the day  
51 of such primary. The state or district convention shall be convened not  
52 earlier than the fifth day following such primary and closed not later  
53 than the forty-ninth day preceding the day of the election. Contesting  
54 candidacies for nomination to the office to be filled shall be filed not  
55 later than four o'clock p.m. on the fifth day following the close of such  
56 convention. The Secretary of the State shall fix the day for the primary  
57 of each party for the nomination to the office to be filled, which day  
58 shall be not earlier than the twenty-first day following the close of such  
59 convention and not later than the twenty-first day preceding the day of  
60 the election.

61 (2) In the case of judges of probate in probate districts composed of  
62 a single town, the day named for the election shall be not earlier than  
63 the one-hundred-fifteenth day following the day on which the writ of  
64 election is issued, and the times specified in sections 9-391, 9-405 and  
65 9-423 shall be applicable.

66 (3) [In the case of a] (A) Except as provided in subparagraph (B) of  
67 this subdivision, a vacancy in the office of senator in Congress shall be  
68 filled at a special election pursuant to writs of election issued by the  
69 Governor pursuant to section 9-212, as amended by this act. The day  
70 scheduled for the election shall be not earlier than the one-hundred  
71 twentieth day following the day on which such writs of election are  
72 issued. The state convention shall be convened not earlier than the  
73 ninetieth day preceding the day of the election and closed not later  
74 than the eighty-fifth day preceding the day of the election. The  
75 delegates to the state convention for the last state election shall be the  
76 delegates for the purpose of selecting a candidate to fill such vacancy.  
77 Candidacies of persons receiving fifteen per cent or more of the votes  
78 of the convention delegates for nomination to said office and  
79 contesting candidacies for nomination to said office shall be filed not  
80 later than four o'clock p.m. on the seventh day following the close of  
81 such convention. The Secretary of the State shall fix the day for the

82 primary of each party for the nomination to said office, which day  
83 shall be not earlier than the fifty-sixth day preceding the day of the  
84 election and not later than the forty-second day preceding the day of  
85 the election.

86     (B) A vacancy in the office of senator in Congress occurring [seventy  
87 or more days prior to a state election, the] between March first in an  
88 even-numbered year and the seventieth day before the day on which  
89 the state election is to be held in said year, inclusive, shall be filled at  
90 such state election. The party-endorsed candidate of each party for  
91 such office shall be designated at the state convention of such party  
92 held for the endorsement of candidates for the state offices to be filled  
93 at such election; contesting candidacies for nomination to such office  
94 shall be filed not later than four o'clock p.m. on the fourteenth day  
95 following the close of such convention; and the primary of such party  
96 for nomination to such office shall be held simultaneously with the  
97 primaries of such party for nomination to the state and district offices  
98 to be filled at such election. If, at the time such vacancy in the office of  
99 senator in Congress occurs, such state convention has already been  
100 closed, it shall be reconvened by call of the [chairman] chairperson of  
101 the state central committee of such party, which call shall be mailed to  
102 each delegate chosen for such convention not less than seventy-two  
103 hours prior to such reconvening; such reconvened convention shall be  
104 closed not later than the tenth day following the occurrence of such  
105 vacancy. The party-endorsed candidate of such party for such office  
106 shall be designated at such reconvened convention. Contesting  
107 candidates for nomination to such office shall be filed not later than  
108 four o'clock p.m. on the fifth day following the close of such  
109 reconvened convention. If the primaries of such party for nomination  
110 to the state and district offices to be filled at the state election are held  
111 not earlier than the twenty-eighth day following the close of such  
112 reconvened convention, the primary of such party for nomination to  
113 the office of senator in Congress to fill such vacancy shall be held  
114 simultaneously with the primaries of such party for nomination to  
115 such state and district offices; otherwise, the Secretary of the State shall

116 fix the day for the primary of such party for such nomination to the  
117 office of senator in Congress, which day shall be not earlier than the  
118 twenty-eighth day following the close of such reconvened convention  
119 and not later than the twenty-first day preceding the day of the state  
120 election. A vacancy in the office of senator in Congress occurring  
121 between the sixty-ninth day before the regular state election held for  
122 such office in the sixth year of the term of such office and the last day  
123 of the term of such office, inclusive, shall be filled by the candidate  
124 who is elected at such regular state election.

125 (4) The times specified in sections 9-391, 9-405 and 9-423 shall be  
126 applicable to any special town election held to fill a vacancy in any  
127 town office under subsection (b) of section 9-164. Except as provided  
128 under subsection (c) of section 9-164, any election held to fill a vacancy  
129 in any municipal office under the provisions of any special act shall be  
130 held not earlier than the one hundred twenty-seventh day following  
131 the day upon which warning of such election is issued, and the times  
132 specified in sections 9-391, 9-405 and 9-423 shall be applicable.

133 Sec. 3. Section 9-173 of the general statutes is repealed and the  
134 following is substituted in lieu thereof:

135 In the election for Governor, Lieutenant Governor, Secretary of the  
136 State, Treasurer, Comptroller and Attorney General, the person  
137 receiving the greatest number of votes for each of said offices,  
138 respectively, shall be declared elected. If no person has a plurality of  
139 the votes for any of said offices, the General Assembly shall choose  
140 such officer. [In the election for senator in Congress, the person  
141 receiving the greatest number of votes for such office shall be declared  
142 elected; but, if no person has a plurality of the votes for said office, the  
143 Governor may make a temporary appointment of a senator in  
144 Congress to serve for the ensuing two years unless the General  
145 Assembly directs a special election for a senator in Congress, to be held  
146 during said period, to fill the vacancy occasioned by such failure to  
147 elect.] In all elections of representatives in Congress, state senators,

148 state representatives and judges of probate, the person having the  
149 greatest number of votes shall be declared elected. Unless otherwise  
150 provided by law, in all municipal elections a plurality of the votes cast  
151 shall be sufficient to elect.

152       Sec. 4. Section 9-211 of the general statutes is repealed.

153       Sec. 5. This act shall take effect from its passage.

***Statement of Purpose:***

To require a vacancy in the office of United States Senator to be filled at a special election or the next regular state election, instead of through appointment by the Governor.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*